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ON WHAT PRINCIPLES IS THE SOCIETY OF STATES TO BE FOUNDED?

BY HENRI LA FONTAINE,

Member of Belgium Senate, Brussels, Belgium.

Belgium is indeed the symbol of the violation of international law. The integrity of Belgium was in the hands of the big powers. Neutralization was guaranteed to her in 1839. It was certainly a favor for Belgium, and it permitted my country—small as it was, with its population at that time of three million people, nearly eight million now—to become, in the commerce of the world, the fifth among the nations and to enjoy the biggest exportation and importation with the exception of France, Great Britain, the United States and Germany.

But Belgium was neutralized, not because the peoples had some sympathy for this country, but because it was necessary to create a buffer state between the three then most powerful empires of Europe, namely, Great Britain, France and Prussia, and permit both the latter ones to leave their frontiers facing Belgium unfortified. There were no fortifications either in Germany or in France near the Belgian border. This was the cause of our misfortune. It was because those frontiers were open that Germany invaded Belgium; it was the easiest way for her to get to Paris.

Now this situation, I hope, will be changed after this war. We have the confidence that Belgium will be restored and restored forever; there is no doubt about it. But to this end it is necessary, for Belgium and for all the small nations, that their existence should be guaranteed no more by some big powers, but by all the powers of the world. But something more is wanted if a lasting and durable peace is to be secured: the nations of the world ought to agree about some principles, precisely those principles which have been since more than a century advocated by the pacifists. I am one of such pacifists which were despised, which were criticized, but I am not an ultra-pacifist; and I claim to remain a pacifist even in saying that in this world, unfortunately, some force is to be used during some time more, perhaps during a short time, perhaps during some centuries, but force submissive to law and the guardian of law.

Now, what are such main principles which should be recognized by the Society of Nations, League of States or Union of States which were so much spoken of during these last two years? The first one should proclaim that the independence and the territorial integrity of all nations are guaranteed by all nations. That means that the Monroe Doctrine, as Mr. Woodrow Wilson said so clearly in one of his speeches, should become the doctrine of the world; instead of having the Monroe Doctrine applied to the nations of the western hemisphere alone, it should be applied to every nation on earth. It is only by a mutual protection that the world will be safe.

The second principle is the right of the peoples to dispose freely of themselves. There should be no more subservient nations but by their own will. The difficulties in the European situation derive largely from the fact that so many peoples in Europe were subjected to nations and to governments which did not get their just powers from the consent of the governed. Germany has under her rule, Alsace-Lorraine, Schleswig-Holstein, and the Polish provinces; Austria is the hated master of Galicia, Bohemia, Croatia, Bosnia and Herzegovina, Trieste and Trentino; and Turkey, before the last Balkan War, was the oppressive owner of a part of Serbia and a part of Roumania, of a part of Greece and of Albania, and Armenia and Syria in Asia Minor are always under her sanguinary domination.

Is it not interesting that precisely the three central powers, now united against mankind, were indeed the powers which had the largest number of foreign peoples under their abhorred domination? It is exactly that which ought to be changed. If it isn't changed, the world will be placed, after some years, in precisely the same unsettled condition out of which it was vainly trying to escape during the last years of the last century and the first years of this century. The acceptance of the principle here advocated by us and its drastic application are the basic conditions of a lasting Society of States.

The third principle is the solemn recognition of the equality of states, not a material equality, of course, but an equality of right, as we have introduced it in our national constitutions; as every citizen is equal to any other citizen, be he small or large, rich or poor, so should it be among the states. That principle was an undisputed one in international law and applied in all international and diplomatic gatherings. It was, namely, maintained at the two Peace

Conferences at The Hague, but during the second Peace Conference, behind the scenes in discussions among diplomats, the question of a change was raised and it was proposed to grant to the big powers in the world a preëminent position; but at once and with full reason, all the small nations objected, of course. I claim that the principle of equality should be rigidly maintained, because it is as important in international intercourse as it is in private intercourse. The small states have the same interest in having their rights vindicated and guaranteed by the Society of States as a powerful state, just the same as a citizen of small means has the same interest that his rights be guaranteed and vindicated as the rights of the rich man.

The fourth principle is that the states should be obliged to submit all their disputes to some judiciary or conciliatory process. There should be no more differences among nations considered as unable to be settled by some peaceable means. That of course excludes war.

This brings me to a fifth principle which should be introduced in international law. It is a very revolutionary one, but in the speech of Lloyd George, quoted by Mr. Slayden for a moment, he confessed that war is a crime. Now the principle I advocate is that war should no more be considered as a legal institution, because it is a crime, and should consequently be treated as such. This principle is a new one and therefore was not discussed till now among professors or experts in international law. Professors and experts in international law—I am myself a professor of international law—have always contended that war is a legal process, as duel was during centuries, as torture was. Torture as a legal institution was admitted not long ago by every state in the world, despite all its horrors, as slavery was, as serfdom was; but these things: slavery, serfdom, human sacrifice, torture, duel, have gone, and the world should now be able to get rid of war as a legal institution, as a legal process!

If that is done, and it can be done, the whole conception of the relations between states is changed. The basis on which international law would be established would be completely different, and the nearest consequence of such a rule would be to compel the states to create an international machinery.

The international machinery should consist of institutions like

those you have established in your own United States. They should be alike, but not similar. There should be a law-making body, not necessarily a parliament or congress, but a body with legislative powers. There should be a law-applying body. In that direction more is already done: we have already a Court of Arbitration, and in principle the states agreed to create a Supreme Court of the World or Court of International Justice, which it is proposed to complete by a Council of Conciliation; these three bodies would form the judiciary part of the administration of the world. Finally there should be not a proper executive, but an administrative body, in charge of the general interests of the world; a vast compound of the already existing offices and unions as the Postal Union, the Railroad Union, the Telegraphic Union. The work done and the work to be done in behalf of mankind should be systematized so that international coöperation in the world should become a part of the life of every day in every nation, changing the mind of all peoples by bringing them in constant touch one with another and showing that their own interests harmonize with the interests of humanity.

DISARMAMENT AND INTERNATIONAL COURTS PRE-REQUISITES TO A DURABLE PEACE

BY JAMES L. SLAYDEN,

Member of Congress from Texas.

Four, five, or possibly six years ago I read a great speech by the member of the House of Commons for the division of Carnarvon, Wales. It was an eloquent plea for arbitration and the settlement of international disputes by the method of courts, and a specially strong and convincing argument for an agreed reduction of national armaments. That great democrat and advocate of peace is now the Premier of the British Empire. His wonderful speech in London recently shows that he holds the same views still. I shall refer to them later.

I am not one of that class of pacifists which believes it possible to prevent war entirely, at least not just yet, and refuses to discuss it except from the point of view of its absolute and immediate ending. But I do believe that it is possible, by arrangements between